**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929**

**CRP.No. 942 of 2006()**
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**AGAINST THE ORDER DATED 19/10/2006 IN IA.2127/2006 IN OS.431/2003 of PRL.SUB COURT,THRISSUR**
**.....**

**REVN. PETITIONER: PETITIONER/PLAINTIFF**
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**BABY SIMON, S/O.PULIKOTTIL VEETTIL**
**P.K.CHUMMAR, NEW CHURCH ROAD, KUNNAMKULAM VILLAGE,**
**TALAPPILLY TALUK, THRISSUR DISTRICT.**

**BY ADV. SRI.N.SUBRAMANIAM**
**SRI.M.S.NARAYANAN**

**RESPONDENTS:RESPONDENT/DEFENDANTS**
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**1. RAJA CHERIAN, S/O.KIDANGAN CHERIAKKU,**
**KUNNAMKULAM DESOM & VILLAGE,**
**TALAPPILLY TALUK, THRISSUR DISTRICT.**

**2. SARASA RAJA CHERIAN,**
**W/O.RAJA CHERIAN, KIDANGAN VEEDU,**
**KUNNAMKULAM, TALAPPILLY TALUK,**
**THRISSUR DISTRICT.**

**R1 BY ADV. SRI.BINU MATHEW**
**R2 BY SMT.SUSAL A. CHINNAN**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ORDER ON I.A. 3344 OF 2006**
**IN**
**C.R.P. NO.942 OF 2006**

**DISMISSED**

**18/7/07** **SD/- M.N. KRISHNAN, JUDGE.**

**[ True Copy ]**

**P.A. TO JUDGE.**

**M.N.KRISHNAN, J**

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**C.R.P. No.942 OF 2006**

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**Dated this the 18th day of July, 2007**

**O R D E R**

This revision petition is preferred against the order of the Principal Sub Court, Thrissur in I.A.No.2127 of 2006 in O.S.No.431/2003. The suit is one for realisation of an amount of Rs.7,50,000/- with interest. Along with the suit, an application for attachment was filed and an interim attachment was ordered. Thereafter on appearance of the respondents therein they furnished security for Rs.8,10,000/- and therefore the petition was disposed of and attachment was lifted. Thereafter the present application is filed on the ground that much more amount is due and therefore the security furnished is insufficient and therefore the property has to be attached and kept so that if ultimately the plaintiff succeeds, he will be able to enjoy the usufructs of the property.

2. Learned counsel for the respondents in this revision petition has brought to my notice that in a suit for realisation of money, the plaintiff moved along with the suit applications for injunction, attachment, issuance of Commission together and ultimately on satisfaction of the court regarding

the furnishing of security the matter was disposed of. On the date of suit, the principal amount involved is Rs.7,50,000/-. Defendants have furnished security for Rs.8,10,000/- and that amount is seen deposited in fixed deposit which will fetch interest. The question whether the plaintiff will be entitled to 12% interest or a lesser interest is a question that has to be adjudicated in the suit.

3. I am satisfied that by the orders of the court, Rs.8,10,000/- has been deposited and the same will fetch interest. Therefore I am inclined to agree with the order of the Principal Sub Court, Thrissur not to have further attachment of the property in this case. It has always to be remembered that issuance of an interim attachment is an extra-ordinary remedy, which directly cuts the root of the owner of the property to enjoy the property.

Therefore the C.R.P. lacks merit and the same is dismissed. Since the claim is for money and as I am informed that the defendants have already filed written statement, I direct the court below to dispose of the suit as expeditiously as possible and not later than 3 months from today. I make it clear that the actual entitlement of the plaintiff to get the amount is a matter which has to be decided in the suit and the order of the court below does not

suffer from any infirmity which requires interference.

C.R.P. is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**